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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
08 AT SEATTLE

09 RICHARD R. WAKELEY,

10 Plaintiff,

11 Case No. C13-1250-TSZ-MAT

12 v.

13 11 BANK OF AMERICA, *et al.*,

14 Defendants.

15 ORDER GRANTING PLAINTIFF'S
16 MOTION FOR EXTENSION OF TIME

17 Plaintiff Richard Wakeley is a state prisoner who is currently confined at the Monroe
18 Correctional Complex – Twin Rivers Unit (MCC-TRU). On July 16, 2013, plaintiff submitted
19 to the Court for filing a civil rights complaint under 42 U.S.C. § 1983 in which he appeared to
20 allege that he had been defrauded by the Bank of America and that the Department of
21 Corrections had tampered with his legal mail. Plaintiff identified the Bank of America and the
22 Department of Corrections as the only defendants in this action. After reviewing plaintiff's
complaint, this Court determined that plaintiff had not identified any viable defendant and that
the action therefore could not proceed. Thus, on August 16, 2013, this Court issued an Order
directing plaintiff to show cause within 30 days why the action should not be dismissed.

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01 Plaintiff recently submitted to the Court for consideration a motion for an extension of
02 time, presumably to respond to the Order to Show Cause, and a “motion to amend information”
03 in which he asks that he be permitted to substitute individual MCC-TRU employees as
04 defendants for the previously named Department of Corrections. Plaintiff also indicates that
05 he is seeking to obtain the names of individual bank officers, presumably so that those
06 individuals can be substituted as defendants for the previously named Bank of America.

07 The Court, having reviewed plaintiff’s submissions, does hereby ORDER as follows:

08 (1) Plaintiff’s motion for an extension of time (Dkt. No. 11) is GRANTED.
09 Plaintiff may file a response to the Order to Show Cause not later than ***October 15, 2013***.

10 (2) Plaintiff’s motion to amend information (Dkt. No. 12) is DENIED. If plaintiff
11 wishes to change the defendants identified in his original complaint, or to otherwise amend the
12 information contained therein, the appropriate way to accomplish this is by filing an amended
13 complaint in which he clearly identifies each of the proposed new defendants and each of the
14 claims he intends to assert against those defendants. Plaintiff is reminded that in order to
15 adequately allege a cause of action under § 1983, he must identify the constitutional right he
16 believes was violated by the conduct of each individual defendant and he must set forth *specific*
17 fact showing how each individual personally participated in causing the harm alleged.

18 As it appears that plaintiff may be contemplating adding to this action individual Bank
19 of America employees, plaintiff is reminded that only state actors are subject to suit in a civil
20 rights action brought under § 1983. Individual Bank of America employees are unlikely to
21 qualify as state actors for purposes of this action.

22 If plaintiff elects to file an amended complaint addressing the deficiencies identified in

01 this Court's previous Order, he need not file a response to the Order to Show Cause. However,
02 any amended complaint must be received by the date set forth above. Plaintiff is advised that
03 his failure to timely file either a response to the Order to Show Cause or an amended complaint
04 will result in a recommendation that this action be dismissed.

05 (3) The Clerk is directed to send a copy of this Order to plaintiff and to the
06 Honorable Thomas S. Zilly.

07 DATED this 6th day of September, 2013.



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10 Mary Alice Theiler
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12 Chief United States Magistrate Judge
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